Previous references. 1923 **File No**

Mucg 2/23-cq 8b 1-6
319-22 8b 142 Anupparai)

Serial Nos.

Later references.
Mucg 28-23-(6-8)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4e .

Part B for ~~Septe~~ Septr 23 .

SUBJECT

Lease of S No 111 in Vignasante village Tejtur Taluk, endowed to Sri Balabrigeswara Swamy temple in the same village

To

The Mess Contr

(1(2)) No 272 & 17-8-23

Sanctions the continuance of the lease for the period of 2e years etc

Muz 1]

1922.

MUZRAI SECRETARIAT.

(Muzrai)

NOTES

File No.

FILE HEADING

Lease of S. no. 111 in Vignasante village, Tiptur Taluk, endowed to the Balalingeswara Swami temple in the same village.

From

Lakkanna and Makane Linga.

No Petition Dated 28.7.23 Received 28.7.23.

Diary No. 133 | Enclos. 2 Spare Copies. - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Pray that on a re-consideration of orders conveyed in this office letter no. 803-Muz 443-19 dt 30-8-1920, they may be granted a lease of the land for an indefinitely long period securing advantageous conditions, that the sale of their properties improperly attached, may be stayed, pending disposal of their application, and add that they are prepared to furnish security as ordered by Govt.

NOTES AND ORDERS.

The revision application is

NOTES--First Sheet

G. R. S. III-2]

Muzrai Secretariat | Muz. File No. of 192 .

Serial No.

by Stamped.

Muz. F. 442 17. on the subject, is put up. The facts of the case are noted in the office note of the Collection.

With regard to S. no. 111 in question, the Dy. Comr recommended that the land may be granted to the present occupants on permanent lease for a quit rent of Rs 100 a year, but he has informed that Govt were willing to sanction a lease of the land to the present occupants for a period of 10 years subject to payment of Rs 100/ per annum. The grounds for

NOTE—Contn. sheet

WD 0561—GPB—3750—1-8 22

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. of 192 .

Serial No

Grounds are summarized in the petition.

Submr. Ven. re 2 Cls.

30. 9. 1923 S.N. 111 in the Vyasarajapuram village is an inam land endowed for a Muttam for Vaishnava ascetics and that under standing orders, no permanent alienation is possible. The land has been given on a 20 years' lease to the appellant on the recommendation of the then Dy Commr. Mr. Ananda Rao Hosi, for a permanent lease being granted to the present occupants.

In para 10 of the appeal petn, Mr. N.T. Gadagkar, Counsel for the appellant says that "they are prepared to show x x that they are entitled to have the lands removed from the list of inam lands & confirmed in their names under x x N.D.Rs. No. 266 & 17.11.27" and in para 11 he prays that an order of stay of sale proceedings may be issued & the Taluk Authorities directed to hold an enquiry as to the exact amount payable for & whether the lands & lands are not exempt from attachment & sale.

Sub. for orders whether a stay of sale proceedings may be ordered, & a report with comments called for, the local Asst

NOTE—Contn sheet

WD 0561—GPB—3750—1-8 22

NOTES.

etc., not intended for permanent record].

The D.O. letter was issued yesterday. The members will hear the Minister for the Interior on the 6th. Monday. So the file will be submitted to the member for Labour.

Submitted.

1/14. 4.8.22.

2nd Member 3/8/22

3.8.22. 3/8/22

G. R. S. 111-2J

Muzrai Secretariat | Muz. File No. of 192[illegible].

Serial No.

The G.O. of which a review is sought is dated 10-2-23 and ~~the~~ endorsement in terms of it issued by the Dy. Commr is dated 23-2-23 But the review application has been presented on 28-7-23 i.e., more than 5 months after the issue of the endorsement. It is therefore out of time. Whether in spite of it the application may be entertained is a point for consideration.

The prayer of the appellant for the grant of a lease for an indefinitely long period cannot be granted as it is against the accepted policy of Govt.

The alleged attachment of carts and bullocks is against the provisions of the Civil Procedure Code provided they are used ~~for~~ agricultural ~~implements~~ purposes. It is open to the petitioners to seek exemption at the hands of the Taluk authorities.

Rev. Secy) 31/7/23

Ground Member) 31/7/23

I am prepared to hear the Counsel for petitioner before passing order on his petn. He may be asked to appear on Monday (6th inst.) at 1 P.M.

2/8/23

1.8.23.

NOTE—Contn. sheet

WD 0561—GPB—3750—1-8-22

Herewith letter for issue 2/8/23

D.O.No.175 Dt 2-8-23 to Mr. N.T. Gopalacharlu, Advocate. Issued for the Hon'ble Members

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. of 192

Serial No

Order 2nd
adp &
13th instr
fr. Asst Dy
Chief Secl
regg
BA
6/8/23
Prep
283.
13 8 23

No. 1758 2-8-23

Do. letter from V T Gopala Iyenga

(Amend for Supt)

[illegible] applies
[illegible] Sangam [illegible]
[illegible] Supt has no
[illegible] Govt has recommended
[illegible] Govt [illegible]
[illegible] permanency [illegible]
assurance [illegible] will be [illegible]
[illegible] 20 years now [illegible]
[illegible] are [illegible]
[illegible]

[illegible] years [illegible]
have been in possession [illegible]
[illegible] a certain [illegible]
[illegible] a substantial
[illegible] [illegible] grants
[illegible] on lands [illegible],
(on assurance of renewal [illegible]
[illegible] [illegible]
[illegible] [illegible]
as in [illegible] present [illegible]
[illegible] circumstances. I accordingly
[illegible] in Supt will be [illegible]
[illegible] [illegible] lease [illegible]
[illegible] for a further period [illegible]

NOTE—Contn. sheet

WD 0561—Press—GPB—3750—1-8 22

G. R S III-2)

General and Revenue Secretariat

Govt. Estate No. 28 of 23 VB

Serial No.

twenty years on the ~~same~~ terms & conditions of the present lease, provided they are regular & punctual in the payment of the Patta & the ~~rent~~ for the remainder of the period

Dr
13/8

Draft
dcg
13/8/23

Issue
dcg
15/8/23

BG
14.8.23

2. Submitted to the Revenue Secretary for kind perusal.

BG
27/8/23

27.8.23

NOTE—Contn. sheet.

G. R. S. III 2]

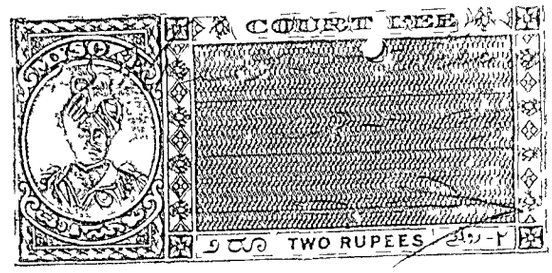
Muzrai Secretariat

Muz. File No. 28 of 1923.

Serial No.	
3	From Mr. A. E. Spearing's letter dated 22.8.23. Subt. for favour of withdrawal of draft lease deed which he has drawn but client & Executive officer duly signed & the letter [illegible] if after the [illegible] for favour [illegible] to that effect [illegible]
	Yes dcs 29/8/23
	Mr. Menon on the [illegible] be signed & returned [illegible]
	Issue dcs 29/8/23
Memo No 332 Issued dt 1.9.23	
4	No. 332 dt 1.9.23 to Mr. Menon.
	Ds. the above (8.3) for necessary action.
	No. 332 dt. 1.9.23. & the petn. Information done & the above

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22



with a Vakalat and an original endorsement. Sent to the Petition-er.

To

The Government of Mysore

at Bangalore

(Muzrai Department).

Petitioners:-- 1. Lakkanna son of Dasegowda resident of Nonavinakere.

2. Makan Linga son of Linga resident of Makanahallu near Nonavinakere in the Tiptur Taluk.

The petitioners beg to state as follows:--

1. Survey No.111 in the Mignasante village, Nonavinakere Hobli of the Tiptur Taluk is an Inam land endowed to the Balalingeswara Temple in the same village. It somehow became alienated some years prior to 1800 and passed on by a series of alienations to the ancestors of the petitioners and the land has been in the possession and enjoyment of private alinees including the ancestors of the petitioners for nearly a century. The alienees have all along paid only the Jodi fixed upon the Inam. The title if any of the Balalingeswara Diety was thus long since time barred.

2. Two successive pujaris of Balalingeswara temple by name Lakkanna and Siddalingia having died none of their heirs came forward to succeed as the pujari, and it was proposed by the villagers of Vighnasante in December 1900, that a Brahmin with some knowledge of agama (ಆಗಮ) might be nominated as pujari, as no Sivachar, with that qualification, was available to perform the worship. A Brahmin by name Krishnabhatta offered on the 1st December 1900 to do the duties of pujari provided the

lands endowed to the temple were delivered over to his possession.

3. An enquiry was started then as to who was in possession of the temple Inam lands and it was ascertained that Basegowda father of petitioner No.1 and G. Linga father of the 2nd petitioner were in possession each of one half of Survey No.111. The enquiry was, the petitioners believe, incomplete and no documents of title were examined by the Taluk or the District authorities. Had the enquiry been conducted in a bona-fide and equitable manner the petitioners' fathers would have been able to prove both by documents and by the evidence of very old persons who were then alive, that they were in possession of the said land Survey No.111 as alinees for over fifty years prior to 1853 and the petitioners feel confident that their case would have been dealt with under clause A Rule II of Government Notification No.266 dated 17th November 1877, and the land confirmed to them subject to the payment of the full assessment on the land.

4. The petitioners' fathers and the petitioners themselves being illiterate villagers could not know the object and scope of the irregular enquiry that had been started in 1900 and subsequently. The then Taluk Amildar, Mr. C.V.Narayana Rao called upon the fathers of the petitioners to make statements before him in September 1904 and in February 1905 and coaxed them by appealing to their feelings of devotion to consent to pay to the temple Rs.20/ annually, in addition to the Jodi that they were paying. They did consent then, on the distinct assurance given to them to be left in undisturbed possession of the land for ever. The petitioners submit that they and their fathers were not aware of the effect of the statements made before

Tiptur Amildar upon their title to the land.

5. In June 1919 a proclamation was issued to the villagers of Vighnasante and neighbouring villages inviting bids for the lease of Survey No.111 for a period of five years and an auction was actually held on the 3rd July 1919 at which one Billemane Ramegowda alias Nanjegowda offered to pay the highest rent at Rs.355/- per year. The petitioners were informed that this course was adopted by the Government on the misrepresentations made by the shanbogue and at his instigation by the other inimical villagers of Vighnasante.

6. On the repeated representations made by the petitioners this course was given up and the petitioners were summoned to appear before the Deputy Commissioner of Tumkur where they were compelled to agree to pay a higher rent of Rs.50/- each - Lest they should lose their land the petitioners made statements before the Deputy Commissioner, Tumkur on the 26th December 1919 and agreed to pay the enhanced gutta in addition to the Jodi of Rs.35/- on the distinct promise made by that officer that this would be treated as a permanent lease. The petitioners also believe that the Deputy Commissioner Mr. Ananda Rao Sirsi did recommend to the Government the grant of a permanent lease of Survey No.111 to both the petitioners in equal halves.

7. Subsequently coercive ~~xxxxx~~ processes were issued in July and August 1922 for recovering three years' arrears at Rs.50/- per year from each of the petitioners totalling Rs.300/- with interests

and costs etc. The petitioners protested that they have paid the rent for 1919-20 at Rs.20/- each and pleaded that they were not liable to pay anything for that year but no heed was taken of their representations. Besides, the agricultural bulls of the petitioners were attached though they were exempt from attachment, as also a cart belonging to the 1st petitioner. No enquiry has up to now been made regarding this matter though the village officials have from time to time orally threatened to have these properties sold.

8. The petitioners have made repeated petitions to the Deputy Commissioner and none of them has brought forth a reply. Finally in December 1922, they petitioned to the Muzrai Commissioner regarding their title to the land and their grievances. Even this petition seems to have been returned to the Deputy Commissioner, Tumkur for needful being done. The petitioners are in the dark as to what transpired between the Deputy Commissioner and the Muzrai Commissioner subsequent to December 1922. They are led to believe that a reference was made to the Government in the matter by the Muzrai Commissioner and orders were obtained as to how the petitioners' case should be dealt with. The order of the Government does not deal with the title of the petitioners to the land in question nor is there anything to show that a proper representation was made of the exact position of the petitioners before the Government were pleased to pass the order in question of which ~~a certified copy~~ the original endorsement is produced herewith. Had the petitioners been informed that their case had been reported for the

orders

orders of the Government they would have readily represented their case fully for the consideration of the Government.

9. The petitioners submit that they have been taken by surprise by this order which they beg may be reviewed by allowing them an opportunity to represent their case fully for the equitable consideration of the Government and justice being done to them more especially as they are debarred from seeking any civil remedy in a case like this.

10.(a) If it should please the Government to order at present an investigation of the title of the petitioners and the period of their undisturbed adverse possession of Survey No.111 they are prepared to show to the best of their ability that they are entitled to have the land removed from the list of inam lands and confirmed in their own names under clause A rule II of Government Notification No.266 dated 17th November 1877.(b) But if this is not feasible owing to the statements made unguardedly, regarding the payment of rent by the petitioners and their fathers before the Taluk Amildar and the Deputy Commissioner, on assurances given by them, the petitioners pray that the Government may kindly be pleased to reconsider their order and grant them a lease for an indefinitely long period securing such conditions as may be advantageously to both the parties concerned.

11. The petitioners further pray that as the Taluk authorities are threatening to sell the properties improperly attached by them, though some are exempt, and an order for stay of the sale proceedings may be issued at once and the Taluk authorities be

directed

directed to hold an enquiry as to the exact amount payable by the petitioners and as to whether the bulls and cart are not exempt from attachment and sale.

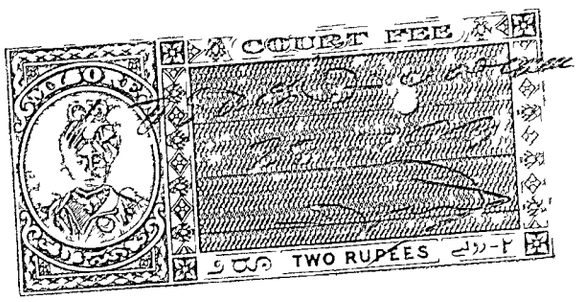
12. The petitioners are prepared to furnish security for any amount that the Government may hold them responsible and they will undertake to pay such amount after the final decision of the Government is pronounced. As the petitioners were not granted copies of official communications they pray that original records be sent for from the Taluk and District Offices perused by the Government and justice done to them.

N. T. Sapalingam
advocate for Petrs.

The petitioners aver that all the statements made in paragraphs 1 to 12 are to the best of their knowledge and belief true.

N. T. Sapalingam
advocate for Petrs

25th July 1923
Bangalore



In the ~~Court of the~~ Gover...

CASE NO ... OF 19 ... 192

Appellant Plaintiff

Lakkanna
makanasimha

Respondent Defendant

for

V/s.

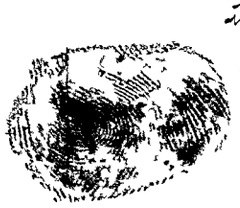
We ... above named do, by these presents, retain

Mr M.T. Sopakimgar to appear and conduct the above case on our behalf to judgement.

2 We further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in our behalf and to receive from the Court all documents, refunds, and all sums of money that we may be entitled to get and grant receipts therefor.

3 We also undertake to confirm and ratify all the acts done by the said advocates or by any other Advocate on their behalf in so doing.

BANGALORE,
28th July 192 3.

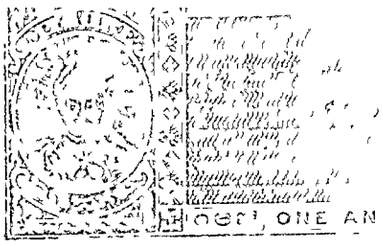


Accepted. M.T. Sopakimgar
advocate
28th July 23

Personally known to me and signed in my presence.

Advocates.

SRI VENKATESA PRESS, BANGALORE CITY.



23-2-1923

Muz. 71.

SUBJECT.... . ...

. . . . . .

....

Diary No. of letter replied to.....

Muzrai Secretariat

( )

the 192 .

Date of issue .. ..17.8.23.....

Signed by. Jm. D.e Subbiah ayappa

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette. English Part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette, Kannada Part?

SECTION

FILE No.

SERIAL No.

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter dtd 30.7.23 from the Deputy Com. Bangalore Sanctioning on grant of the conditions, the present occupant of the inam Land enamn to Sri Ramaswamy Temple at Vaccage, Dodda Ballapur Taluk a portion of 2 guntas of Survey

Order Thereon No.

application

reg no 133 from

Lakkauna and Makan

Linga praying for a

re consideration of the

~~foregoing~~ above area-

Order Nisi. No 272/mur 28-23

2.17.8.23

The application was

heard before Jayatilaka

13th Aug. 1923.

Mr N.D. Gopalingam,

counsel for petrs appearing

List of enclosures

with his clients ~~said~~ states

that ~~the~~ there would ~~be~~ no

objection to pay the

rent prescribed in Copied by

the letter of the

~~2.8.23~~ 30.8.1920 Examined by

read above, provided

that the lease is made

66—2000—GPB—29.7.22

R S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

permanent or at least
an assurance is given
that it will be extended
beyond the period of
20 years now prescribed
if they are regular
in the payment during
the period.

In view of the
fact that the petrs
have been in possession
of the land for over
half-a-century and
that they have agreed
to a substantial increase
in the quit rent
they have been paying
on the land hitherto,
their prayer for an
assurance of a renewal
of the lease to them
at the end of the present
term deserves favourable
consideration. I am

accordingly direct that the
petrs ~~have~~ be granted a
~~entitled to a~~
continuance of the present
lease ~~in their favour~~ for a
further period of 20 years
or longer of the expiry
of the present term of
lease provided they are
regular and punctual
in the payment of the
water account during
the term.

Dec 19/8/23
Asst. Secretary

Sd
14.8.23

GENERAL AND REVENU
SECRETARIAT.

(*Continuation sheet draft form.*

333
Secs-28-23-4A
Dy 1 9.23.

To N. T. Sparlingar Esq
B A B L

Advocate
Basavangudi

Sir,

In N. T. Sparlingar
Advocate Basavangudi
Bangalore City in reference
that his letter dated the
22nd August 1923
Sub: a draft lease
deed to be Executed
by Sakkamma &
Makan Linga in
regard to S.No. 111/2
the Sri Balekai Somma
Swamy Temple at
Vignasante, has been
forwarded to the
Mar Cur. in regard
for necessary action.

A.O.

Secretary